

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

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JOHN WALTER SNEED, JR.,

Plaintiff,

vs.

STATE OF NEVADA, *et al.*,

Defendants.

Case No.: 2:04-cv-01773-RLH-PAL

**ORDER**

(Defendants' Objection to Magistrate  
Judge's Minute Order—#21)

Before the Court is Defendants State of Nevada ex rel. the Nevada Department of Corrections, Director Jackie Crawford, former Warden George Grigas, Lt. David Miller, CCS II Dwayne Deal and CCS Julia Matlock's **Objection to Magistrate Judge's Minute Order**<sup>1</sup> (#21), filed July 27, 2006. The Court has also considered Plaintiff's Response (#22), filed August 11, 2006. No Reply has been filed.

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<sup>1</sup> Defendants label their pleading as an "Objection to Magistrate Judge's Report and Recommendation." The Court notes, however, that the Magistrate Judge has not entered a Report and Recommendation in this matter. It appears that Defendants dispute the Magistrate Judge's decision entered in a Minute Order. Accordingly, the Court amends the title, appearing herein, of Defendants' pleading to accurately reflect the document to which the objection is being made.

## BACKGROUND

On July 17, 2006, Plaintiff filed an Emergency Motion to Extend Discovery Deadlines ("Motion") in the instant matter. In his Motion, Plaintiff explained that the discovery cutoff was set for July 24, 2006, and due to the complexity of the issues, the number of potential witnesses, missing Administrative Regulations, and the retirement and absence from the jurisdiction of two defendants, Plaintiff requested the extension of the discovery deadline. On July 20, 2006, a telephonic conference regarding the Motion was held by Magistrate Judge Leavitt. During the conference, the parties orally presented their arguments, and based thereon, Magistrate Judge Leavitt entered a Minute Order ("Order") granting Plaintiff's Motion. It was further ordered that the parties meet, confer, and agree upon and file an amended scheduling order.

On July 27, 2006, Defendants filed the instant Objection to Magistrate Judge Leavitt's Order.

## DISCUSSION

A district judge may reconsider a magistrate judge's order in a pretrial matter only if that order is "clearly erroneous or contrary to law." 28 U.S.C. § 636(b)(1)(A). This standard applies to orders concerning discovery motions. *See Osband v. Woodford*, 290 F.3d 1036, 1041 (9th Cir. 2002) (applying standard to pretrial matters involving discovery matters). Thus, for factual determinations, under the clearly erroneous standard, "the district judge can overturn the magistrate judge's ruling only if the district court is left with a definite and firm conviction that a mistake has been made." *Computer Economics, Inc. v. Gartner Group, Inc.*, 50 F. Supp. 2d 980, 983 (S.D. Cal. 1998) (quoting *Weeks v. Samsung Indus. Co.*, 126 F.3d 926, 943 (7th Cir. 1997)).

Having reviewed the record in this case in accordance with 28 U.S.C. § 636 (b) (1) (A) and LR IB 3-1, the Court finds that the Order of Magistrate Judge Leavitt entered July 20, 2006, is not clearly erroneous and should be affirmed.

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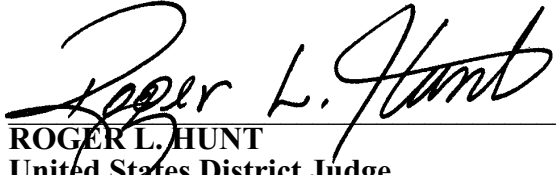
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**CONCLUSION**

Accordingly, and for good cause appearing,

IT IS HEREBY ORDERED that Magistrate Judge Leavitt's order of July 20, 2006 (#20) is affirmed, and Defendants' Objection (#21) is overruled.

Dated: September 12, 2006.

  
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**ROGER L. HUNT**  
United States District Judge